

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Jack Wolf,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 04-1385-GMS
	)	
Thomas Carroll, DCC Medical Dept., C/O Pusey,	)	
C/O Carter, and Lt. Seacord,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS/SUMMARY JUDGMENT**

The Defendants, by and through undersigned counsel, hereby move this Honorable Court to dismiss Plaintiff's Complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12 (b) (6). In support of their Motion, Defendants offer the Memorandum of Points and Authorities filed simultaneously herewith.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters  
Ophelia M. Waters  
Deputy Attorney General  
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Wilmington, Delaware 19801  
(302) 577-8400

Counsel for State Defendants

DATE: December 30, 2005

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Plaintiff,	)	
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v.	)	C. A. No. 04-1385-GMS
	)	
Thomas Carroll, DCC Medical Dept., C/O Pusey,	)	
C/O Carter, and Lt. Seacord,	)	
	)	
Defendants.	)	

**ORDER**

**IT IS HEREBY ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006, that State Defendants' Motion to Dismiss is hereby **GRANTED**.

\_\_\_\_\_  
Judge Gregory M. Sleet

**CERTIFICATE OF SERVICE**

I hereby certify that on December 30, 2005, I electronically filed *State Defendants' Motion to Dismiss* with the Clerk of Court using CM/ECF which will send notification of such to the following: Kevin J. Connors, Esquire. I hereby certify that on December 30, 2005, I have mailed by United States Postal Service, the document to the following non-registered participant: Jack Wolf.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters  
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